

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): </div> <div style="width: 45%;"> FAX NO. (Optional): </div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (specify):
 filed on (date):

2. **Detention hearing**

- a. Date:

b. Department:

c. Judicial officer (name):

d. Court clerk (name):

e. Court reporter (name):

f. Bailiff (name):

g. Interpreter (name and language):

h. Party (name):

- (1) Child:
 (2) Mother:
 (3) Father—presumed:
 (4) Father—biological:
 (5) Father—alleged:
 (6) Legal guardian:
 (7) Indian custodian:
 (8) De facto parent:
 (9) County agency social worker:
 (10) Other (specify):

Present

Attorney (name):

Present

Appointed

today

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i. Others present in courtroom:

- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 (2) Other (name):
 (3) Other (name):

3. **The court has read and considered and admits into evidence:**

- a. ☐ Report of social worker dated:
 b. ☐ Report of CASA volunteer dated:
 c. ☐ Other (specify):
 d. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
 b. ☐ **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

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5. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. ☐ A Court Appointed Special Advocate is appointed for the child.
7. ☐ a. The child will not benefit from representation by an attorney, and the court further finds that:
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

Advisements and waivers

8. Paternity

- a. ☐ The court inquired of ☐ the mother ☐ others (*names and relationships*):

as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

9. The court has informed and advised the

- | | | |
|--|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> other (<i>specify</i>): | | |

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties are financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement.
- b. The right to be informed by the court of the following:
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed not exceed 6 months for a child under the age of three years or for the member of a sibling group that includes a child under the age of three years if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on one's own behalf.

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10. ☐ The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

11. ☐ **CHILD NOT DETAINED**

- a. ☐ Services that would prevent the need for further detention, including those set forth in item 13, are available.
- b. ☐ The child is returned to the custody of
☐ mother ☐ biological father ☐ legal guardian ☐ other (specify):
☐ presumed father ☐ alleged father ☐ Indian custodian

12. ☐ **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (select at least one):
- (1) ☐ there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) ☐ there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court.
 - (3) ☐ the child has left a placement in which he or she was placed by the juvenile court.
 - (4) ☐ the child has been physically abused by a person residing in the home and is unwilling to return home.
 - (5) ☐ the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated on the record.
- f. The facts on which the court bases its decision to order the child detained are stated on the record.
- g. The child is placed in
- (1) ☐ the assessed home of a relative.
 - (2) ☐ an emergency shelter.
 - (3) ☐ other suitable licensed place.
 - (4) ☐ a place exempt from licensure designated by the juvenile court.
 - (5) ☐ the assessed home of a nonrelative, extended family member as defined in Welf. & Inst. Code, § 362.7.
- h. Services, including those set forth in item 13, are to be provided to the family as soon as possible to reunify the child with his or her family.
- i. ☐ Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. ☐ Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. ☐ The child is removed from the Indian custodian or parent under applicable state law to prevent imminent physical damage or harm to the child.
- l. ☐ There is a relative who is able, assessed, and willing to care for the child.
- m. ☐ A relative who is able, assessed, and willing to care for the child is not available. *This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.*

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13. ☐ The services below will be provided pending further proceedings:

<u>Service</u>	<u>Mother</u>	<u>Presumed father</u>	<u>Biological father</u>	<u>Legal guardian</u>	<u>Indian custodian</u>	<u>Other (specify):</u>
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. ☐ **Contact with the child is ordered as set forth in** (check appropriate box and attach indicated form):

- a. ☐ *Visitation Attachment: Parents, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
b. ☐ *Visitation Attachment: Sibling* (form JV-401).
c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

15. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

must disclose to the county agency social worker the names, residency, and any known identifying information of any maternal or paternal relatives of the child.

16. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

must complete a *Health and Education Questionnaire* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

17. The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

were provided with a *Parental Notification of Indian Status (Juvenile Court)* (form JV-130) and ordered to complete form JV-130 and to submit it to the court before leaving the courthouse today.

18. a. ☐ The child ☐ is or ☐ may be an Indian child and the county agency must provide, as required by law, notice of the proceeding and of the tribe's right to intervene in the proceeding to all identified tribes and to the Bureau of Indian Affairs if the identity or location of a parent, an Indian custodian, or a tribe cannot be determined. Proof of such notice must be filed with this court.

b. ☐ There is reason to believe that the child may be of Indian ancestry, and the county agency must provide notice of the proceeding to the Bureau of Indian Affairs as required by law. Proof of such notice must be filed with this court.

19. ☐ **Other findings and orders:**

- a. ☐ See attached.
b. ☐ (Specify):

20. ☐ The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

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21. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. ☐ Jurisdictional hearing
 b. ☐ Dispositional hearing
 c. ☐ Settlement conference
 d. ☐ Mediation
 e. ☐ Other (*specify*):

22. **All prior orders not in conflict with this order remain in full force and effect.**

23. Number of pages attached: _____

Date:

☐ JUDGE ☐ JUDGE PRO TEMPORE

Date:

☐ COMMISSIONER ☐ REFEREE